



4-28-06

Express Mail No.: EV 456 921 920 US

File

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Chan-hui *et al.* Confirmation No.: 5640
Serial No.: 10/813,417 Art Unit: 1642
Filed: March 30, 2004 Examiner: Audrey S. Pham
For: ErbB Surface Receptor Complexes Attorney Docket No.: 11068-132-999
as Biomarkers

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present paper is responsive to the Restriction Requirement mailed March 1, 2006 in connection with the above-identified patent application. Filed herewith is a Petition for Extension of Time under 37 CFR 1.136, extending the time for response for a period of 1 month from April 1, 2006 to May 1, 2006. Accordingly, this response, filed April 26, 2006, is timely filed.

In response to the Restriction Requirement dated March 1, 2006, Applicants hereby elect, without traverse, to prosecute the claims of Group I (claims 1-15, and 24-45).

Further, in response to the requirement to elect a patentably distinct species to facilitate examination of the claims, Applicants hereby elect the patient sample species **fixed tissue sample**; the ErbB receptor complex species **Her2-Her2 homodimers**; and the cancer species **breast cancer**. Applicants believe claims 1-7, 14, 15, 30-34, 37, and 38 read on the elected species.

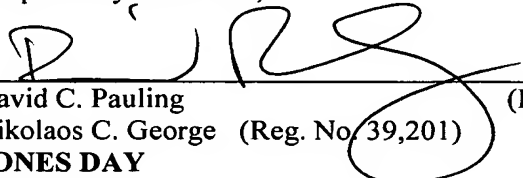
Applicants reserve the right to pursue non-elected subject matter in one or more later filed divisional, continuation, or continuation-in-part applications.

Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested.

No fee is believed due with this response other than the fee for one month's extension of time for response. However, should the Commissioner determine otherwise, the Commissioner is hereby authorized to charge any required fee(s) to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

Date: April 26, 2006



David C. Pauling 56,056
For: Nikolaos C. George (Reg. No. 39,201) (Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939